

K Great Brit. Geo II.

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[1]

England. - Parliament. [Bills. - II. George II.]

*212. k. 7
19*



*Read
29 Jan 1741*

*Enacted 14 Geo. II.
Public Acts, c. 32.*

*A B I L L for Repairing and Inlarging the
Roads from the Town of Selby, in the West-
Riding of the County of York, to the Town of
Leeds; and from thence (in Two several
Branches, One through Bradford and Horton,
and the Other through Bowling and Wibsey)
to the Town of Halifax, in the same Riding.*

*Whereas the Highways or Roads leading from Selby, in the
West-Riding of the County of York, to the Town of
Leeds, and from thence (in two several Branches, one
through the Towns of Bradford and Horton, and the other
over Cutler-Height, through Bowling and Wibsey, re-
spectively) unto the Town of Halifax, in the same Riding,
being situate in a trading and populous Part of the County of York, and
much used and frequented for the Carriage and Conveyance of Wool,
Woollen Manufactures, Dying-ware, Corn, Malt, Fruit, and other Com-
modities, made and consumed in that Country, are, from the Nature of
the Soil, and the Narrowness thereof in several Places, and by reason of
many heavy Carriages frequently passing through the same, become so deep
and ruinous, that in the Winter and rainy Seasons, many Parts thereof
are impassable for Waggon, Carts, and other Wheel-carriages, and very
dangerous for Travellers; and as the same cannot, by the ordinary Course
and Method appointed by the Laws and Statutes of this Realm now in
Being, be effectually mended and kept in good Repair:*

*Therefore, to the Intent the said Highways and Roads may be forthwith
effectually repaired, amended, enlarged, and made passable, and, from
time to time, kept in good Repair,*

May it please Your MAJESTY,

*That it may be Enacted; ~~And be it Enacted,~~ by the KING's Most
Excellent MAJESTY, by and with the Advice and Consent of the Lords
Spiritual and Temporal, and Commons, in this present Parliament assembled,
and by the Authority of the same, That*

are hereby nominated Trustees for the Purposes aforesaid, and for putting this Act in Execution; and they, and the Survivors of them, or any or more of them, or such Person or Persons as they, or any or more of them, shall authorize and appoint, shall and may, and they are hereby authorized and impowered, to erect and set up, or cause to be erected and set up, or more Gate or Gates, Turnpike or Turnpikes, in, upon, cross, or on the Side of any Part of the said Road lying between the Towns of *Selby* and *Leeds*; and also or more Gate or Gates, Turnpike or Turnpikes, in, upon, or cross, or on the Side of any Part of the said Road between the Towns of *Leeds* and *Halifax*, and to receive and take, before any Horse, Cattle, Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, Waggon, Wain, Cart, or other Carriage, shall be permitted to pass through the same Roads respectively, the several Tolls and Duties following; that is to say, in the Road between *Selby* and *Leeds*, For



which said respective Sum or Sums of Money shall be demanded and taken in the Name of, and as a Toll or Duty; and the Money so to be raised as aforesaid, shall be, and is hereby vested in the said Trustees, and the same, and every Part thereof, shall be paid, applied, disposed of, and employed, to and for the several Uses, Intents, and Purposes, and in such manner, as is herein after-mentioned and directed: And the said Trustees, or any *five* or more of them, are hereby impowered by themselves, or any Person or Persons by them, or any *five* or more of them, under their Hands and Seals thereunto authorized, to levy the Tolls or Duties hereby required to be paid, upon any Person or Persons, who shall (after Demand thereof made) neglect or refuse to pay the same, as aforesaid, by *Dishess* ~~sale~~ of any Horse or Horses, or other Cattle or Goods, upon which such Toll or Duty is by this Act imposed, or upon any other of the Goods or Chattels of such Person or Persons who ought to pay the same, and may ~~detain & keep~~ the same until such Toll or Duty, with the reasonable Charges of such ~~dishaining~~ *detaining & keeping* shall be paid: And it shall and may be lawful to and for such Person or Persons so ~~dishaining~~ *detaining* after the Space of *five* Days after such ~~dishess~~ made and taken, (such Toll or Duty, with the reasonable Charges of such ~~Detaining & keeping~~ - not being then paid) to ~~sell~~ the Goods so ~~dishained~~ *detained* returning the Overplus, (if any be) upon Demand, to the Owner thereof, after such Toll and Duty, and reasonable Charges for ~~dishaining & keeping~~ the same, shall be deducted and paid.

And be it further Enacted, by the Authority aforesaid, That out of the first Money arising from the Profits of the several Turnpikes to be erected by virtue of this Act, the said Trustees, or any *five* or more of them, shall first pay and discharge the Expence of procuring this Act of Parliament, and of erecting such Turnpike or Turnpikes; and from and after such Charges and Expences shall be fully paid and satisfied, that then, and from thenceforth, the Profits arising, and the Toll to be collected, at any Turnpike or Turnpikes, Toll-house or Toll-houses, to be erected and set up on the said Roads, or on the Sides thereof, cross any Way leading out of the said Roads, shall be paid for and towards the Repair of the said Roads.

A
Provided always, That the Money arising and to be collected at the Toll-gate or Turnpike to be erected pursuant to this Act, in that Branch of the Road between *Leeds* and *Halifax*, which lies through *Bowling* and *Wibsey*, shall be applied towards the repairing and amending that Branch of the said Road only, and no otherwise; and no Part of the Money arising and to be collected at any other Toll-gate or Turnpike to be erected in pursuance of this Act, shall be applied for or towards the Repairing and Amending that Branch of the said Road, or any Part thereof; any thing in this Act contained to the contrary notwithstanding.

And be it further Enacted, by the Authority aforesaid, That if any Person or Persons whatsoever, owning, renting, or occupying, any Land near unto any Turnpike to be erected in pursuance of this Act, shall, for Gain, Reward, or otherwise, permit any Person or Persons whatsoever, to pass through any Gate, Passage, Inclosure or Way, with any Coach, Landau, Berlin, Chariot, Calash, Chaise or Chair, Waggon, Wain, Cart, Carriage, or riding or driving any Horse, Afs, Mule, or any Sort of Cattle, and being thereof convicted upon Oath before the said Trustees, or any *five* or more of them, which

*The Borough of Leeds
shall respect
the*

which Oath the said Trustees, or any *few* or more of them, are hereby impowered to administer, or before *One* or more Justice or Justices of the Peace for the West-Riding of the County of *York*, shall respectively forfeit and pay to the Trustees authorized to put this Act in Execution, the Sum of *20 Shillings* - to be levied by Distress and Sale of the Offenders Goods, by Warrant under the Hand and Seal, or under the Hands and Seals of the said Trustees, or any *few* or more of them, or of such Justice or Justices, rendering the Overplus to the Owner, (if any be) the Charges in Levying, and the Sale of such Goods, being first deducted.

And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any *few* or more of them, or such Person or Persons, as they, or any *few* or more of them, shall direct and appoint as aforesaid, to erect, or cause to be erected, *One* or more Gate or Gates, Turnpike or Turnpikes, on the Side of the said Highways or Roads, or cross any Way or Lane leading out of the said Roads, or any Part thereof, to prevent Frauds and Abuses in eluding the Payment of the said Tolls, or any of them, hereby imposed and made payable as aforesaid, and there to receive and take such Toll as is by this Act to be taken, at any of the Turnpikes to be erected by virtue thereof, so as the same do not extend to a double Charge within the Tenor and true Meaning of this Act.

Provided always, That in that Branch of the Road from *Leeds* to *Halifax*, which leads through *Bowling* and *Wibsey*, there shall be only *One* Toll-gate or Turnpike erected and set up, and the same shall be placed at *or under* *Wibsey Bank* *foot in such manner as to the said Trustees or any 9 or more of them*.

Provided also, That nothing in this Act contained shall authorize and empower the Commissioners and Trustees herein before nominated and appointed, and their Successors, or any of them, to repair or amend any of the Streets of the Towns of *Leeds Bradford Halifax* or any Part thereof respectively.

And it is hereby further Enacted, **Provided and Declared**, That no Turnpike or Toll-gate shall be erected or set up in, upon, a-cross, or on the Side of any Part of the Roads hereby directed to be repaired and amended as aforesaid, within *2 miles* of any of the said Streets of *Bradford* and *Halifax*, or *either* of them; any thing herein contained to the contrary notwithstanding.

B **Provided also**, That in case there shall be more than *one* Gate or Turnpike, in, cross, or on the Side of any Part of the Highway or Road between *Selby* and *Leeds*, *no* Person or Persons, having paid the Toll or Duty aforesaid, at the First Gate or Turnpike through which such Person or Persons shall pass in the last-mentioned Road, and producing a Note or Ticket, that the said Toll or Duty was paid, (which Note or Ticket, the Receiver or Receivers, Collector or Collectors, is and are hereby required to give *gratis*) shall be liable to pay any Toll or Duty at any other of the said Gates or Turnpikes erected on any Part of the said Highway or Road between *Selby* and *Leeds*, *so* as such Person or Persons deliver the said Note or Ticket to the Receiver or Receivers, Collector or Collectors, of the said Toll or Duty, at the latter Gate or Turnpike erected on that Part of the said Road, the same Day, or before *12* of the Clock in the Night of that Day *and* no Person or Persons, who shall have Occasion to pass through any Toll-gate or Turnpike in that Part of the Road lying between

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between *Selby* and *Leeds* aforesaid, and pay the Duties and Tolls appointed by this Act to be taken, and who shall return or repass on that Part of the Road on the same Day, upon or with the same Coach, Landau, Berlin, Chariot, Calash, Chaise, Chair, Waggon, Cart, Carriage, Horse, Ais, Mule, or other Cattle, shall be liable or compelled, the same Day, to pay the Toll or Duty more than ~~on that Part of the said Road~~; and also, that no Person or Persons, having paid the Toll or Duty appointed by this Act, at the First Gate or Turnpike through which such Person or Persons shall pass, in any Part or Branch of the said Road which lies between the Towns of *Leeds* and *Halifax*, and producing such Note or Ticket as aforesaid, shall be liable to pay any Toll or Duty at any other of the Toll-gates or Turnpikes erected on any other Part or Branch of the Road between *Leeds* and *Halifax* aforesaid, so as such Note or Ticket be delivered within the Time and in Manner herein before-mentioned and directed: And also, that no Person or Persons, who shall have Occasion to pass through any Toll-gate or Turnpike erected in either Branch of the Road between *Leeds* and *Halifax*, and pay the Tolls and Duties appointed by this Act to be taken, and who shall return and repass on either of the Parts or Branches of the said Road on the same Day, upon or with the same Coach, Landau, Berlin, Chariot, Calash, Chaise, Chair, Waggon, Cart, Carriage, Horse, Mule, or other Cattle, shall be liable or compelled, the same Day, to pay the Toll or Duty more than ~~on that Part of the said Road~~.

Provided always, and it is hereby Enacted and Declared, That the Payment of any of the Tolls and Duties, appointed by this Act, at any of the Toll-gates or Turnpikes erected in any ~~Part of the Road between~~ *Selby* and *Leeds*, by any Person or Persons, shall not be construed or deemed to exempt or discharge such Person or Persons from the Payment of any of the Tolls or Duties hereby appointed to be taken at any of the Toll-gates or Turnpikes erected in any ~~Part or Branch of the Road between~~ *Leeds* and *Halifax*, notwithstanding such Person or Persons shall have Occasion to pass and travel through ~~both Parts~~ of the said Road on the same Day, and shall have paid the Tolls and Duties at any of the Toll-gates or Turnpikes erected in the first Part of the Road on or through which he shall pass; and that all Persons who shall pass through, and pay the Tolls and Duties, at any of the Toll-gates or Turnpikes erected on either Branch of the Road between *Halifax* and *Leeds*, and shall afterwards have Occasion to pass through any of the Toll-gates or Turnpikes between *Leeds* and *Selby*, on the same Day, shall, notwithstanding such Payment, be liable to the Tolls and Duties appointed by this Act to be paid at such Toll-gates or Turnpikes between *Leeds* and *Selby* aforesaid; any thing in this Act contained to the contrary notwithstanding.

And for preventing Frauds and Abuses in the said Toll or Duty, Be it Enacted, by the Authority aforesaid, That if any Person or Persons, having paid the Toll or Duty by this Act granted and made payable, and having such Note or Ticket, Notes or Tickets, as hereby directed, shall give or dispose of the same to any Person or Persons, in order to avoid the Payment of the said Toll or Duty, every such Person giving, disposing, or offering; and the Person receiving such Note or Ticket, Notes or Tickets, and being thereof convicted, upon Oath, before the said Trustees, or any or more of them, who are hereby impowered to administer the same, or before any or more Justice or Justices of the Peace for the

Of the said
Divisions or
the Road above

More than one
or Division

or for the Borough of Leeds within ~~the~~ respective Jurisdiction

said Riding, shall respectively forfeit and pay the Sum of 20 Shillings to be levied, recovered and disposed of as any other Penalty or Forfeiture is directed to be levied, recovered and disposed of by this Act.

Provided also, and it is hereby Enacted and Declared, That during the Continuance of this Act, all Coaches and Passengers on Horseback shall pass and repass Toll-free, on the Day or Days on which there shall be an Election for a Knight or Knights of the Shire, to serve in Parliament for the County of York; any thing herein contained to the contrary notwithstanding.

Provided always, and it is hereby Declared, That no Person who shall pass through any Gates or Turnpikes to be erected in pursuance of this Act, shall be charged with, or liable to pay, to any of the Tolls or Duties aforesaid, for any Carts, Wains, Waggon, or other Carriages laden with, or carrying any Quantities of Gravel, Stones, or other Materials for repairing the said Roads, or any of the Roads in the Parishes, Townships, or Hamlets, in which the same, or any Branch thereof, do respectively lie, or in any of the neighbouring Parishes, Townships, and Hamlets; nor shall any Person or Persons be chargeable with the said Tolls or Duties for any Carts, Wains, Waggon, or other Carriages loaded with Hay or Corn in the Straw only, or for any Ploughs, Harrows, or Implements of Husbandry, or for any Muck, Dung, or Manure employed in Husbandry, for the manuring and improving of Lands, nor for any Materials used and employed for the building and repairing of Housing or Out-housing in the said several Parishes, Townships, or Hamlets, nor for any Carts, Wains, Waggon, or other Carriages, laden with, or carrying any Lime ^{between} ~~in any Year~~ ^{at any time} ~~at any time~~ ^{at any time} ~~nor~~ ^{nor} for any Horse, Ass, or Mule laden with Lime, ~~at any time~~ ^{at any time} ~~nor~~ ^{nor} shall any Toll or Duty be taken or demanded from any Person or Persons residing in any of the said several Parishes, Townships, or Hamlets in which the same Roads, or any Branch thereof respectively, do lie, who shall pass through the said Turnpike or Cross-gates, to and from Church, Chapel, or any other Place of religious Worship, on Sundays, or who shall attend the Funeral of any Person or Persons that shall die or be buried in any of the said Parishes, nor for any Horse or Cattle going to and from Water or Pasture, nor for such Horse as is or shall be used only to ride on by the Owner or Driver of any Waggon, Wain, Cart, or Carriage, provided such Horse pass through the said Turnpike or Turnpikes with such Waggon, Wain, Cart, or Carriage, nor for any Post-horse carrying the Mail or Packet, or going with any Person riding Post; nor shall any Duty be demanded or taken for the Horses of Soldiers passing that are upon their March, or for Waggon, Wains, Carts, and Carriages, attending them, or for Horses, Carts, and Carriages travelling with Vagrants sent by Passes.

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Provided also, That no Toll or Duty shall be demanded or taken at the Toll-gate or Turnpike to be erected at Wibsey Bank-foot aforesaid, for any Waggon, Wain, Cart, Carriage, Horse, Mule, Ass, or other Beast or Burden laden with or going for Coals only.

Provided also, That all and every Person and Persons who by Law are chargeable towards repairing or amending the Highways or Roads hereby intended to be repaired, shall still remain chargeable, and do their re-

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spective Work in the said Parishes, in which the said Highways or Roads do lie, as before he, she, or they ought to have done.

And be it further Enacted, by the Authrity aforesaid, That every Person chargeable towards repairing and amending the said Highways or Roads as aforesaid, shall, during the Continuance of this Act, annually do and perform *Two* Days of that Work, commonly called the Statute-work, which is appointed by the Laws now in being, for the amending the Highways in this Kingdom, in such manner, Place and Places, being Part of the Highways hereby intended to be repaired, and at such time and Times as the Surveyor or Surveyors, to be appointed by this Act, shall by Writing under his or their Hand or Hands, from time to time, order and direct; and shall not be again chargeable for the same, by any Surveyor or Surveyors of the respective Parishes, Townships, or Hamlets, or any Person whatsoever; and also that the respective Surveyor or Surveyors for the Time being, of all and every the Parish and Parishes, Townships and Hamlets, in which the Roads intended to be repaired by this Act lie, shall yearly and every Year, within *four* Days after Request made to him or them by the Surveyor or Surveyors for the Time being, appointed by virtue of this Act, give Lists, or an Account in Writing, under his or their Hand or Hands, of the Name or Names of all and every Person and Persons in the said respective Parishes, Townships, and Hamlets, who are, by the Laws in Force, chargeable towards repairing of the Highways of the said respective Parishes, Townships, or Hamlets, and what he, she or they, is or are chargeable with respectively for and towards the same, to the Surveyor or Surveyors appointed, or to be appointed, by virtue of this Act; and that the said Surveyor or Surveyors of the said Parishes, Townships, or Hamlets, shall within *three* Days next after Notice given by the said Surveyor or Surveyors appointed by this Act, of the Time when, and how many of the said Persons so chargeable as aforesaid, he or they would have to do the said *Two* Days Work in and upon the said Highways to be repaired by this Act, either summon or give publick Notice thereof to the said Person or Persons so chargeable as aforesaid; and if any Surveyor or Surveyors of the said Parishes, Townships, or Hamlets respectively, shall neglect or refuse to do as they are hereby directed and required, he, she or they, for every such Neglect or Refusal, shall forfeit and pay the Sum of *10 Shillings*; and if any Person or Persons keeping a Team or other Carriage, and chargeable towards repairing the Highways as aforesaid, shall neglect or refuse to do and perform the said *Two* Days Work in the said Highways by this Act intended to be repaired, (after such Summons or publick Notice given as aforesaid) he, she or they, shall respectively forfeit and pay the Sum of *10 Shillings* — for each of the said Days such Person or Persons keeping a Team, or other Carriage, shall make Default; and if any Labourer or other Person so chargeable towards repairing the Highways of the said Parishes, Townships, or Hamlets, shall at any time neglect or refuse (after such Summons or publick Notice given as aforesaid) to do and perform the said *Two* Days Work, on the said Highways by this Act intended to be repaired, he, she, and they respectively, shall forfeit and pay the Sum of *three Shillings* for each of the said *two* Days such Labourer, or other Person or Persons, shall make Default; all which Penalties and Forfeitures by this Act imposed,

posed, shall be recovered and levied by *Distress & Sale* of the Offenders Goods and Chattels, by a Warrant or Warrants under the Hands and Seals of the said Trustees, or any *five* or more of them, upon the Information of *one* ^{or more} credible Witness or Witnesses, upon Oath, which Oath the said Trustees, or any *five* or more of them are hereby impowered to administer; and the said Penalties and Forfeitures, when recovered, after rendering the Overplus (if any be) to the Party or Parties whose Goods and Chattels shall be so distrained and sold, the Charges of which Distress and Sale being first deducted, shall go and be applied for and towards the amending the said Highways, intended by this Act to be repaired, in like manner as the Tolls and Duties to be raised by this Act, are to go and be applied.

Provided also, and be it further Enacted, by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any *five* or more of them, from time to time, during the Continuance of this Act, at any publick Meeting, to compound or agree, by the *year* or otherwise, with any of the Parishes, Hamlets or Townships to which the said Roads belong, or with any of the Possessors or Occupiers of Lands, Tenements, or Hereditaments, which are liable or chargeable to the Repair of any Part of the said Roads, for any Sum or Sums of Money to be paid *Quarterly* or otherwise, in lieu of the Statute or other Work to be done by such Township, or by such Possessor or Possessors, Occupier or Occupiers, of such Lands, Tenements, and Hereditaments, chargeable as aforesaid.

And it is further Enacted, by the Authority aforesaid, That the said Trustees, at the *first* Meeting, or any *third* or more of them, then present, or at any succeeding Meeting, by Writing under their Hands and Seals, shall and may elect, nominate and appoint, *one* or more fit Person or Persons to be Receiver or Receivers, Collector or Collectors, of such Money, in the Name of such Toll or Duty as shall be due and payable by virtue of this Act; and also *one* or more fit Person or Persons to be Surveyor or Surveyors, to see the Condition of the said Roads, and to see that the same be repaired and amended, and that the Money arising and expended by virtue of this Act, be duly applied; and also shall and may from time to time remove such Collectors, Receivers, and Surveyors, or any or either of them as they shall see Occasion, and appoint new ones in case of Death, or such Removal; and such Person or Persons as is or are by this Act liable to pay the said Toll or Duty, is and are hereby required to pay the same, after the Rates aforesaid, to the said Receiver or Receivers, Collector or Collectors, of the said Toll or Duty, in that Behalf, from time to time appointed as aforesaid, and the Person or Persons so appointed as aforesaid, for the receiving the said Toll or Duty, and all such Surveyor or Surveyors as aforesaid, shall, upon Oath, if thereunto required by the said Trustees, or any *five* or more of them before the said Trustees, or any *five* or more of them, or before *one* or more Justice or Justices of the Peace, for the West-Riding *aforesaid*, residing near the Highways or Roads aforesaid, (which Oath such Trustees or any *five* or more of them, or such Justice and Justices, is and are hereby impowered and required to administer) on *the first Thursday* in every Month or oftener, if required, during the Continuance of this Act, give in a true, exact, and perfect Account, in Writing, under their respective

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respective Jurisdiction*

respective Hands, of all Moneys which he and they, and every or any of them, shall to such Time have received, paid, and disbursed, by virtue of this Act, by reason of their respective Offices, for which Oath no Fee or Reward shall be taken; and the same may be taken in Writing, without any Stamp thereupon; and in case any Money so received shall remain in their or any of their Hands, the same shall be paid to the said Trustees, or any *five* or more of them, or to such Person or Persons as the said Trustees, or any *five* or more of them, shall by any Writing or Writings under their Hands and Seals, authorize and empower to receive the same; and shall be laid out and disbursed in amending the said Highways or Roads, according to the true Intent and Meaning of this Act, and not otherwise; and the said Trustees, or any *five* or more of them, to whom such Accounts shall be given, shall and may, out of the Money arising by the said Toll or Duty, make such Allowance unto the Receiver or Receivers, Collector or Collectors, and the Surveyor or Surveyors, for and in Consideration of his and their Care and Pains respectively taken in the Execution of his and their Office and Offices; and to such other Person or Persons who have been or shall be assisting in and about procuring the said Highways or Roads to be amended and repaired, by advancing or laying out any Moneys or otherwise relating thereto, as to them shall seem good; and in case the said Receiver or Receivers, Collector or Collectors, of the said Toll or Duty, or any of them, shall not make such Account and Payment unto such Person or Persons, according to the Orders and Directions of the said Trustees, or any *five* or more of them, as aforesaid; that then the said Justices of the Peace, at any Special or other Sessions to be held for the said Riding, shall make Inquiry of and concerning such Default, as well by Confession of the said Parties themselves, as by the Testimony of *One* or more Witness or Witnesses, upon Oath, which Oath they are hereby empowered and required to administer without Fee or Reward; and if any Person or Persons shall be convicted thereof by such Justices, the said Justices shall, upon such Conviction, commit the Party or Parties to the common Gaol of the County of *York*, there to remain without Bail or Mainprize, until he or they shall have made a true and perfect Account and Payment as aforesaid.

And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful to and for the Surveyor and Surveyors, and such Person and Persons as he or they shall appoint, to dig, gather, take, and carry away, any Gravel, Furze, Heath, Sand, Stones, or other Materials, out of any Waste or Common, River or Brook, of or in any Parish, Town, Village, or Hamlet, in or near which any foundrous or ruinous Places of the said Highways or Roads do lie; and for want of sufficient Gravel, Furze, Heath, Sand, Stones, or other Materials, in such Places or Places, then to dig, gather, take, and carry away the same, out of any Waste or common River, or Brook, of or in any neighbouring Parish, Town, Village, or Hamlet, without paying any thing for the same, but making such Satisfaction and Allowance to the Person or Persons, through whose Lands or private Ways such Materials shall be led and carried, for the Damages done and occasioned thereby to the said Lands or private Ways, as the said Trustees, or any *five* or more of them, shall judge and deem fit and reasonable; and where there is not sufficient of such Materials in

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any Commons or waste Grounds, Rivers or Brooks, near adjoining, it shall and may be lawful for them, by Order of the said Trustees, or any *five* or more of them, to dig and gather the same in the several Grounds of any Person or Persons, not being a Garden, Orchard, Yard, planted Walk or Walks, or Avenue to a House, where any such Materials are or may be found, and from time to time to carry away such and so much thereof, as the said Surveyor or Surveyors, in their respective Places, shall adjudge necessary for the repairing and amending the said Highways or Roads, paying such Rate for such Materials to the Owner or Occupier of the Ground from whence the same shall be digged, gathered, and carried away, as the Trustees appointed, or to be appointed, to put this Act in Execution, or any *five* or more of them, shall adjudge reasonable; and in case of any Difference between such Owner or Occupier, and the said Trustees, touching the Damages aforesaid, the said Justices of the Peace, at their General Quarter-Sessions to be held at such Town as shall be nearest to the Place where such Materials shall be dug or gathered, and from whence the same shall be carried away, may and shall adjudge, assess, and finally determine the same.

And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful to and for the Surveyor and Surveyors, and such Person or Persons as he or they shall appoint, from time to time, to remove and prevent Annoyances on any Part of the said Highways or Roads hereby intended to be repaired, by Filth, Dung, Ashes, Rubbish, Water-courses, Sinks, or Drains, running into the said Highways, or by cutting down, lopping or topping any Trees or Bushes growing in the said Highways, or in the Hedges or Banks adjacent to the said Highways, and to take and carry away the same, in case the Owners and Occupiers shall neglect to cut down such Trees or Bushes, or to remove such other Annoyances, for the Space of *ten* Days after Notice in Writing given for that Purpose, under the Hands of *five* of the said Trustees, the Charges thereof shall be reimbursed to the said ~~Survivor or Survivors~~, by such Owners or Occupiers neglecting to cut down such Trees or Bushes, or to remove such other Annoyances as aforesaid; and if after Removal of any such Annoyances, any Person or Persons shall again offend in the like Kind, every such Person or Persons so offending, and being thereof convicted, upon Oath, before *one* or more Justice or Justices of the Peace for the said Riding, (who is and are hereby impowered to administer such Oath) shall for every such Offence forfeit and pay unto the said Trustees the Sum of *20* *Shillings* to be levied in manner aforesaid.

And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful to and for the Surveyor or Surveyors to be appointed in pursuance of this Act, by Order of the said Trustees, or any *five* or more of them, to make, or cause to be made, Causeways, and to cut and make Drains through any Grounds lying contiguous to the said Roads, and to erect Arches of Brick, Timber or Stone thereon, and divert and turn the said Roads and Highways over any Part of the Moors or waste Grounds contiguous and adjoining thereto, or through which the said Roads now pass; and also to widen any of the narrow Parts of the said Highways or Roads, by opening, clearing, and laying into the said Highways or Roads, any Grounds of any Person or Persons lying contiguous to such Highways or Roads (not being a House, Garden, Orchard, planted Walk or Avenue to a House); and

and also to cause Ditches or Trenches to be made in such Places, and in such Manner, as such Surveyor or Surveyors, by Order of the said Trustees, or any *five* or more of them, shall adjudge necessary for the better amending and keeping the said Highways and Roads in good Repair, making such reasonable Satisfaction to the Lords of the respective Manors, where the said Roads or Highways shall be so turned over the said Wastes as aforesaid, and to the Owner or Occupier of such Ground, which shall be so laid in or unto the said Highways or Roads, through which any such Drain or Drains shall be cut, or on which any such Arch or Arches shall be made for the Damages which he, she or they, shall or may thereby sustain, as shall be assessed and adjudged by the said Justices of the Peace, or the major Part of them, at the General Quarter-Sessions, to be next holden at such Town as shall be nearest to the Place in which such Ways shall be so turned, and such Ground shall be laid into the said Highways or Roads, and through which any such Drain or Drains, Ditch or Ditches, shall be cut or made, or on which such Arch or Arches, or Causeways, shall be respectively erected or made, in case any Difference shall arise between the said Trustees, and such Owners and Occupiers respectively concerning the same; and if any Owner or Occupier of the Water-courses, Ditch or Ditches, adjoining to the said Highways or Roads, shall neglect or refuse to cleanse, or scour such Water-courses, and to make such Ditch or Ditches so deep, and in such manner, as the said Surveyor or Surveyors shall adjudge proper and convenient, after Notice shall be given for that Purpose, by such Surveyor or Surveyors to be appointed, or such Person or Persons as shall be appointed by him and them, to such Owner or Owners, it shall and may be lawful to and for the said Surveyor or Surveyors to set any Man or Men to work, to scour or cleanse, and make the same; and by Warrant from any *five* — — — or more of the said Trustees, levy the Charge thereof upon the Persons, Goods or Estates, of the Owner or Owners, Occupier or Occupiers, of such Water-courses, Ditch or Ditches, by Distress and Sale of his, her or their Goods and Chattels, rendering the Overplus (if any be) to the Owner or Occupier, after all Charges paid.

And it is hereby further **Enacted and Declared**, That in case the said Commissioners and Trustees, and their Successors, or any *five* or more of them, shall in their Judgment think it more convenient, safe and commodious, for the Passage of Horses and Carriages, to divert and turn the said Roads and Highways over and through any Lands and Grounds, being the private Property of any Person or Persons, and can agree with the Owner and Proprietors of such Lands and Grounds, for the same or such Part thereof as shall be necessary for that Purpose; then, and in such Case, it shall and may be lawful to and for the said Commissioners, and their Successors, or any *five* or more of them, to contract for such Lands and Grounds, and pay such reasonable Price or Consideration for the same, as between them and the said Owners and Proprietors respectively shall be agreed upon, out of the Money to be raised by virtue and in pursuance of this Act, and to take a Conveyance in Fee thereof, to the Commissioners so contracting, or to such Persons as they shall nominate or appoint; To the Use, upon the Trust, and to the Intent, that the same Lands and Grounds so purchased, may be used and applied as and for Part of the Highways or Roads intended to be repaired and amended by this Act, for ever.

And

And it is hereby Enacted and Declared, That immediately after such Purchase and Conveyance made, the same Lands and Grounds so to purchased, shall be for ever deemed, used and applied as and for Part such Highways or Roads accordingly.

And forasmuch as the Moneys so to be collected, by such Receipt the Toll or Duty, will not at present be sufficient for the speedy repairing of the said Highways or Roads; Be it further Enacted, That the said Trustees, or any *five* — or more of them, shall and may, and are hereby impowered from time to time, by Writing under their respective Hands and Seals, to assign over the said Toll or Duty hereby granted, any Part thereof, (the Costs and Charges whereof to be borne or paid out of such Toll or Duty) for any Term or Terms, during the Continuance of this Act, as a Security for any Sum or Sums of Money by them to be borrowed for that Purpose, to such Person or Persons, or their Trustees who shall advance and lend the same, to secure the Repayment thereof with lawful Interest, or less, if the same can be so had; which said Money so borrowed, shall be applied and disposed of as the said Toll or Duty should have been applied and disposed of by this Act, and to no other Use or Purpose whatsoever.

And be it further Enacted, by the Authority aforesaid, That if any Person or Persons shall, at any time, during the Continuance of this Act, unload, or cause to be unloaded, any Grain, or any Sort of Goods or Merchandize, at or before he, she or they, shall come to any of the Gates or Turnpikes erected by virtue of this Act, with an Intent to avoid paying any of the Tolls or Duties hereby imposed; or shall conceal or secret any Goods, or any other Things chargeable with any the Tolls aforesaid; or shall put or leave in any House, or other Place, any Coach, Landau, Berlin, Chariot, Calash, Chaise, Chair, Waggon, Wain, Cart, or other Carriage, Horse, Mule, Ass, or any Sort of Cattle, liable to pay the said Tolls or Duties, with such Intent as aforesaid; each and every Person so offending, shall forfeit and pay to the said Trustees hereby appointed, as aforesaid, or to their Treasurer, for the Time being, the Sum of *20 Shillings* — which shall be recovered and levied as any other Penalties and Forfeitures are to be recovered and levied by virtue of this Act.

And be it further Enacted, by the Authority aforesaid, That all Penalties and Forfeitures by this Act imposed and incurred as aforesaid, shall be recovered and levied by *Distress or Sale* — of the Offenders Goods and Chattels, by Warrant or Warrants, under the Hands and Seals of the said Trustees, or any *five* — or more of them; which Warrant or Warrants the said Trustees, or any *five* or more of them, are hereby impowered and required to make, upon the Information of *three* or more credible Witness or Witnesses, upon Oath (which Oath the said Trustees, or any *three* or more of them, are hereby impowered and required to administer); and the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any be) to the Party or Parties, whose Goods and Chattels shall be so *distressed & sold* (the Charge of such *distress & sale* being first deducted) shall go and be applied, and laid out for and towards the amending the said Highways or Roads hereby intended to be repaired.

And be it further Enacted, by the Authority aforesaid, That the Toll or Duty hereby granted, shall take Place, and have Continuance, only from and

and after the Day of *July One* in the Year of our Lord One thousand Seven hundred and *forty One* for and during the Term of *21* Years.

Provided nevertheless, and it is hereby Declared, That if at any time before the Expiration of the Term of *21* Years, the said Highways or Roads shall be sufficiently amended and repaired, and so adjudged by the Justices of the Peace for the West-Riding of the said County of *York* at their General Quarter-Sessions of the Peace, to be holden next after *Michaelmas* at *Leeds* in the said County; that then, *and the Board of Leeds within respective Jurisdiction* and from and immediately after such Adjudications made, and Repayment of all such Moneys as shall have been borrowed upon the Credit of the said Tolls and Duties hereby granted, with Interest for the same; and the Costs and Charges of this Act, the aforesaid Tolls and Duties, shall cease and determine; any thing herein before contained to the contrary thereof notwithstanding.

And be it further Enacted, by the Authority aforesaid, That for the continuing of a sufficient Number of fit and able Persons, to be Trustees for putting in Execution all and every the Powers in this Act contained for and during the Continuance thereof, it shall and may be lawful to and for the said Trustees, or any *nine* or more of them, upon the Death of any of the said Trustees, Removal, or Refusal to act in the said Trust, by any Writing or Writings under their Hands and Seals, from time to time, and at all times hereafter, during the Term aforesaid, to elect, nominate, and appoint, in the room of such Trustee or Trustees so deceased, removed, or refusing to act, so many more fit and able Person or Persons, living in the said County of *York* to be joined with the said Trustees, in the Execution of all and every the Power and Powers in them reposed, by virtue of this Act; and all and every Person or Persons so to be chosen Trustee or Trustees, to join in putting this Act in Execution, shall and may, and are hereby impowered to act to all Intents and Purposes, in as full, large, and ample manner, as the said Trustees are by this Act impowered to do, and so often as Occasion shall be or require.

And be it further Enacted, by the Authority aforesaid, That the said Trustees, or any *five* or more of them, at any of their publick Meetings, may, and they are hereby impowered, from time to time, as they shall see convenient, or think fit, to compound or agree, for any Time, not exceeding *One year* with any Person or Persons using to travel through the Turnpike or Turnpikes to be erected by virtue of this Act, with any Horse, Coach, Chariot, Landau, Berlin, Calash, Chaise, Chair, Waggon, Wain, Cart, or other Carriage, for any Sum or Sums or Money, to be paid quarterly, from time to time, after such Agreement shall be made.

And be it further Enacted, by the Authority aforesaid, That the said Trustees, or any *nine* or more of them, shall meet at *Leeds* in the said County of *York*, on or before

Day of *Michaelmas* in the Year of our Lord One thousand Seven hundred and *forty One* and shall then adjourn themselves; and shall afterwards meet there, or at any other Place or Places, near the Highways or Roads to be repaired, as the said Trustees, or any *nine* or more of them, shall think proper or convenient, as often as it shall be necessary for the putting this Act in Execution; and if it shall happen, that there shall not appear at any Meeting, which shall be appointed to be had or held by the said Trustees, a sufficient Number of

Trustees to act at such Meeting, and to adjourn to any other Day; and in such Case, the Clerk to the said Trustees, by Notice in Writing, be affixed at the respective Gates or Turnpikes, when such Number of Trustees shall be wanting, at least *10* — Days before the next Meeting shall appoint the said Trustees to meet at the House, where the Meeting of the said Trustees was last appointed to be held, or at some other convenient House, near the said House, on *that day three weeks* — upon which such last Meeting of the said Trustees was appointed to have been held; and that the said Trustees at their *first* Meeting, and at all other subsequent Meetings, shall defray their own Charges and Expences.

Provided always, and be it further Enacted, That no Person or Persons appointed, or to be appointed, by this Act, a Trustee or Trustees for putting this Act in Execution, shall have or accept of any Place of Profit arising out of, or by reason of the Toll or Duty by this Act granted; but such Person or Persons shall be incapable, from the Time of accepting and continuing to enjoy such Place of Profit, of acting as a Trustee.

Provided also, and be it further Enacted, That no Person shall be capable of acting as a Trustee in any Case in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession and Enjoyment of Lands, Tenements, or Hereditaments, of the yearly Value of *fifty pounds* — or shall have personal Estate to the Value of *one thousand pounds* — or shall be Heir apparent to some Person or Persons having an Estate of the yearly Value of *100 £* — And if any Person or Persons so made incapable to act for the Causes aforesaid, shall nevertheless presume to act contrary to the true Intent and Meaning of this Act, every such Person or Persons, for such Offence, shall forfeit and pay the Sum of *fifty* — to any Person or Persons that will inform and sue for the same, to be recovered in any of his Majesty's Courts of Record, by Action of Debt, or on the Case, Bill, Plaint or Information; wherein no Essoign or Protection, Wager of Law, or more than One Imparlance, shall be allowed.

Provided also, and it is hereby further Enacted, That the said Trustees, or any *five* or more of them, if they shall see fit, may cause the said Roads to be measured, and Stones or Posts to be erected and set up in or near the Sides of such Roads, each Stone or Post to be placed at the Distance of *One mile* from another, and denoting the Distances of every such Stone or Post from any other Place, as to the said Trustees shall seem meet.

Provided also, and it is hereby Declared, That no Money shall be borrowed by the said Trustees on the Credit of the Tolls to be collected, unless Notice be for that Purpose fixed in Writing under the Hand of the Clerk to the said Trustees upon all the Turnpike-gates erected, or to be erected, by virtue of this Act, at least *20* — Days before the borrowing of such Money.

And be it further Enacted, by the Authority aforesaid, That if any Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act, that in every such Case the Action or Suit shall be commenced within *three* Months next after the Fact committed, and not afterwards, and shall be laid in the County of *York*, and not elsewhere; and the Defendant or Defendants in such Action or Actions to be brought, may plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in Pursuance of

of and by the Authority of this Act; and if it shall appear so to be done, or that such Action or Actions shall be brought after the Time before limited, or shall be brought in any other County, Place or Places, that then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be Nonsuited, or discontinue his, her or their Action, after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover *Double* Costs, and have the like Remedy for the same, as any Defendant or Defendants hath or have in other Cases by Law.

And be it further Enacted, by the Authority aforesaid, That this Act shall be deemed, adjudged, and taken to be a Publick Act, and be judicially taken Notice of as such, by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

anywhere, without specially pleading the same. In any other case, by law.

the like remedy for the same; as any Plaintiff or Defendant may or have the Plaintiff or Defendants shall and may recover the same, and have upon Demurrer Judgment shall be given against the Plaintiff or Plaintiff in Discretion, after the Plaintiff or Defendants shall have appeared, or if it is the Plaintiff or Plaintiffs shall be discontinued, or if continuing his, her or they shall find for the Defendant or Defendants; and upon such Verdict, or shall be brought in any other Court, Term or Place, it at then either or that such Action or Actions shall be brought after the Time before limited, or may by the Authority of this Act; and if it shall happen to be done,

*A BILL for Repairing and In-
larging the Roads from the Town
of Selby, in the West-Riding of
the County of York, to the Town
of Leeds; and from thence (in
Two several Branches, One through
Bradford and Horton, and the
Other through Bowling and Wib-
sey) to the Town of Halifax, in
the same Riding.*